

## **REMARKS**

Claims 1 – 20 are in the application. Claims 1, 7, and 16 are currently amended; claims 2 – 6, 8 – 15, 17, and 20 were previously presented; claims 18 and 19 remain unchanged from the original versions thereof; and claims 21 and 22 have been cancelled. Claims 1, 16, and 20 are the independent claims herein.

No new matter has been added to the application as a result of the present Response and Amendment.

Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC 101**

Claims 1 – 15 were rejected under 35 USC 101 for being directed to non-statutory subject matter. This rejection is respectfully traversed.

In reply thereto, claims 1 is currently amended to clarify that the computer-implemented method is, at least now, tied to the statutory subject matter of a computer. Applicant notes claim 1 is currently amended to recite the claimed “structuring”, “associating”, “calculating” and “generating” aspects are accomplished “by the computer” of the claim. Support for the current amendment of claim 1 is provided by the Specification at page 7, ln. 17 – page 9; ln. 18, page 10, ln. 3 – 13; and FIG. 3. Thus, the claimed computer-implemented method is directed to statutory subject matter.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1 – 15 under 35 USC 101.

**Claim Rejections – 35 USC § 103(a)**

Claims 1 - 3, 5 - 9, 11, and 20 were rejected as being unpatentable over U.S. Patent Number US 2003/0135457 A1 to Stewart et al. (hereinafter, Stewart). This rejection is respectfully traversed.

Regarding the rejection of claims 1 – 3, 5 – 9, 11, and 20 under 35 USC 103(a), Applicant notes that the Office cited and relied upon Stewart for all of the claimed aspects except for an explicit disclosure of the claimed reputational risk relating to a professional standing in an industry of an account opening entity. The Office stated that it would have been obvious to one of ordinary skill in the art that reputation risk related to one's professional standing would be a factor in making the determination of opening an account. As an example, the Examiner provides a hypothetical scenario of a client known to have embezzled funds through a previous account (i.e., criminal and/or legal risk).

The cited and relied upon Stewart discloses a system and method for electronically establishing a demand deposit account. In particular, Stewart discloses a system and method wherein a customer applies for the demand account on-line and provides personal information to an institution as necessary for the institution to determine the product(s) for which the customer is approved. Stewart states an automated system acquires predictive information, interacts with established debit, credit, and other databases, and either approves or denies the customer's application for a demand deposit account. (See Stewart, paragraph [0007], ln. 6 – 13) Stewart specifically discloses the use of debit and credit databases. No mention or suggestion is made in Stewart regarding Applicant's claimed risk quotient criteria associated with reputational risk of opening a client account, wherein the reputational risk relates to a professional standing in an industry of an account opening entity.

The Stewart system includes "an authorization system 60 [that] is used to validate consumer identity and to assess customer risk, unique financial product usage, demographic knowledge at a household-level-assessment, and cross-sell qualification.

The authorization system 60 uses a logistic-regression model to predict the likelihood of financial (and particularly debit) account-related abuse. The authorization system 60 uses customer data such as the customer's social security number, driver's license number, and address to calculate the risk that an account will be closed for abuse at a later date." (emphasis added) (See Stewart, paragraph [0020], ln. 1 –14) Stewart also discloses a fraud identification system (70) that predicts the likelihood of identity manipulation and predictive fraud modeling, and helps to identify inconsistent, inaccurate, and fraudulent information provided by the customer. (See Stewart, para. 0042)

Stewart discloses a demand account approval process that explicitly considers a credit or financial risk and a fraudulent identity risk. Specifically, the credit risk relates to a credit rating of the customer and the fraudulent identity risk relates to "inconsistent, inaccurate, and fraudulent information provided by the customer". (See Stewart, paragraphs [0020], ln. 19 – 21, and [0040], ln. 9 – 12) Stewart also discloses searching lists published by the United States Treasury Department Office of Foreign Assets Control (OFAC) to maintain OFAC compliance.

It is thus clear that the factors explicitly disclosed and considered in Stewart specifically and directly relate to the customer's credit and financial standing, as well as the customer's identity and strict compliance with OFAC regulations.

Applicant respectfully agrees with the Examiner's admittance that Stewart does not disclose "wherein said reputation relates to a professional standing in an industry of an account opening entity." However, Applicant disagrees with the Examiner's broadly stated conclusion that it would have been obvious to one skilled in the art that reputation risk related to one's professional standing would be a factor in making the determination of opening an account. (See Final Office Action dated July 21, 2006, page 3, ln. 16 – page 4, ln. 1)

Applicant respectfully submits that the reasons provided in the Advisory Action dated August 31, 2006 for not allowing the application are also factually incorrect. For

example, the Examiner states, “[S]tewart discloses the use of reputation in considering account opening. The consideration of credit score and credit rating are part of reputational risk.”

Applicant disagrees with the Examiner's definition of reputational risk on the basis that it is not supported by the cited and relied upon Stewart or any other substantiated evidence. Additionally, the Examiner's alleged definition of the claimed reputational risk is contrary to Applicant's clearly claimed and disclosed meaning of the term “reputational risk”. As a matter of fact, Applicant states reputational risk relates to harm that a financial institution may suffer regarding its professional standing in an industry (Specification, page 2, ln. 9 – 10) and claims reputational risk relates to a professional standing in an industry of an account opening entity. Applicant also discloses, “[C]redit risk relates to factors that can adversely affect a party's ability to borrow money.” (See Specification, page 2, ln. 3 – 4) The data and analysis to identify credit risk is not the same as the data and analysis needed to identify the claimed reputational risk. The credit score and credit rating factors disclosed by Stewart clearly relate to a credit risk.

Thus, it is clear, as a matter of fact, that Stewart fails to disclose the claimed reputational risk and the motivation or basis of the Examiner's conclusion that Stewart suggests the claimed reputational risk is erroneous.

Accordingly, Applicant submits that claims 1 – 3, 5 – 9, 11, and 20 are patentable over Stewart under 35 USC 103(a).

Claims 4, 10, 14, and 16 - 19 were rejected as being unpatentable over Stewart, and further in view of U.S. Patent Number US 2002/0143686 A1 to Greene et al. (hereinafter, Greene). This rejection is respectfully traversed.

Applicant submits that Greene fails to address or overcome the failings of Stewart. As clearly shown above regarding claims 1 and 20, Stewart fails to disclose or suggest the claimed reputational risk. Accordingly, even combining Stewart with

Greene (as alleged in the Office Action but not agreed with as suggested or feasible by Applicant) would not render claim 16 obvious.

Applicant respectfully submits that claims 4, 10, 14, and 17 – 19 depend from allowable base claims and are therefore also allowable. Accordingly, Applicant submits that claims 4, 10, 14, and 16 - 19 are patentable over Stewart and Greene under 35 USC 103(a).

Claims 12 - 13 and 15 were rejected as being unpatentable over Stewart as applied to claim 1 above, and further in view of Dictionary of Economics by Wiley (995) from [www.xreferplus.com](http://www.xreferplus.com) (hereinafter, xreferplus). This rejection is respectfully traversed

Applicant respectfully submits that claims 12 - 13 and 15 depend from an allowable base claim, namely claim 1. For at least this reason, Applicant submits that claims 12 - 13 and 15 are also allowable.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1 – 20.

## **C O N C L U S I O N**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

/Randolph P. Calhoun/  
Randolph P. Calhoun  
Registration No. 45,371  
Buckley, Maschoff & Talwalkar LLC  
Five Elm Street  
New Canaan, CT 06840  
(203) 972-5985